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PATENT

Case Docket No. AIRFIBE.004CP1

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Alwan, et al.

App. No. : 10/045,661

Filed : October 23, 2001

For : ATTENUATION AND
CALIBRATION SYSTEMS
AND METHODS FOR USE
WITH A LASER DETECTOR
IN AN OPTICAL
COMMUNICATION SYSTEM

Group Art Unit : 2874

) I hereby certify that this correspondence and all marked
attachments are being deposited with the United States
Postal Service as first class mail in an envelope addressed
to: United States Patent and Trademark Office, P.O. Box
2327, Arlington, VA 22202, on

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5/1/02
(Date)

James F. Herkenhoff
James F. Herkenhoff, Reg. No. 51,241

TRANSMITTAL LETTER

**United States Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202**

ATTENTION: BOX MISSING PARTS

Dear Sir:

In response to the Notice to File Missing Parts of Application Under 37 CFR 1.53(f), which was mailed by the Office on March 5, 2002, enclosed are:

- (X) A Notice to File Missing Parts.
- (X) An executed Declaration by Inventors.
- (X) An executed Power of Attorney.
- (X) Copy of Assignment by Inventors.
- (X) Petition to Establish Prior Receipt
- (X) Copy of Figure 5.
- (X) Evidence of Deposit.

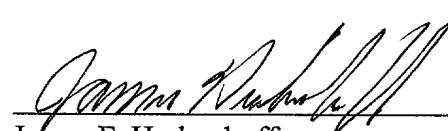
PATENT

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- (X) Return prepaid postcard.
- (X) The present application qualifies for small entity status under 37 C.F.R. § 1.27.
- (X) Fees as calculated below:

Filing fee		\$	370
Total claims	45 - 20 =	25 ×	\$9 \$ 225
Independent claims	9 - 3 =	6 ×	\$42 \$ 252
Fee for extension of time (small entity)		0 months	\$ 0
Petition fee... 37 CFR 1.17(h)			\$ 130
Surcharge 37 CFR 1.16(e)		\$ +	65
Total of above calculations		\$	1,042
Total fees submitted herewith		\$	1,042

- (X) A check in the amount of \$1,042 to cover the above fees is enclosed.
- (X) The Commissioner is hereby authorized to charge any additional fees which may be required, now or in the future, or credit any overpayment, to Account No. 11-1410.



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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/045,661	10/23/2001	Jim Alwan	AIRFIBE.004CP1

CONFIRMATION NO. 2453

20995

KNOBBE MARTENS OLSON & BEAR LLP
620 NEWPORT CENTER DRIVE
SIXTEENTH FLOOR
NEWPORT BEACH, CA 92660

FORMALITIES LETTER



OC00000007579323

Date Mailed: 03/05/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

05/08/2002 JBALINAN 00000050 10045661

FILED UNDER 37 CFR 1.53(b)

01 FC:201	370.00 OP
02 FC:202	252.00 OP
03 FC:203	225.00 OP
04 FC:205	65.00 OP

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 740 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$954.
 - \$450 for 25 total claims over 20.
 - \$504 for 6 independent claims over 3 .
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 1824.**

The following item(s) appear to have been **omitted** from the application:

- Figure(s) 5 described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition

under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h)) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

*A copy of this notice **MUST** be returned with the reply.*

Jencks
Customer Service Center
Initial Patent Examination Division (703) 308-1202
PART 2 - COPY TO BE RETURNED WITH RESPONSE